

Position Coverage under DOI Firefighter/Law Enforcement Special Retirement

During the development of new positions descriptions that contain firefighter (FF) or law enforcement officer (LEO) duties, one of the many position management issues the personnelist should discuss with the supervisor is whether the position is recommended for coverage under the FF/LEO special retirement program. Any position description (PD) that contains firefighter or law enforcement duties should be submitted to the Firefighter and Law Enforcement Retirement Team (FLERT), following the procedures outlined below, with a recommendation from the servicing personnel office of coverage or non-coverage under the special retirement program. This is true of PD's used for temporary/seasonal appointments, as although temporary appointments are not subject to retirement provisions, if the PD is covered, the individual may be entitled to the special pay. **PDs not submitted for approval are not covered.**

Definitions

Firefighting Duties: A firefighter means an employee occupying a rigorous position, whose primary duties are to perform work directly connected with the control and extinguishment of fires.

Law Enforcement Officer Duties: A Law Enforcement Officer (LEO) means an employee occupying a rigorous position, whose primary duties are the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or the protection of officials of the United States against threats to personal safety. The duties of the position must be so rigorous that employment opportunities are limited to young and physically vigorous individuals.

The term “**investigation**” refers to “criminal investigation” which involves unusual physical hazards for the investigator, deriving from frequent contacts with criminals and suspected criminals and their desire to avoid criminal prosecution. Also, the Merit Systems Protection Board has held that investigation in section 8331(20) refers to **criminal investigation**, i.e., the investigation of suspected or known criminals for the **immediate purpose of prosecuting them if warrant, or the investigation of crimes, whether or not a suspect has been identified.**

A LEO covered by this special retirement program commonly: (1) has frequent direct contact with criminal suspects; (2) is authorized to carry a firearm; (3) interrogates witnesses and suspects, giving Miranda warnings when appropriate; (4) works for long periods without a break; (5) is on call 24 hours a day; and (6) is required to possess a Type I Law Enforcement Commission AND must meet the physical fitness standards to maintain that commission.

The definition of LEO duties DOES NOT include an employee whose primary duties involve maintaining order, protecting life and property, guarding against or inspecting for violations of law, or investigating persons other than persons who are suspected or convicted of offenses against the criminal laws of the United States.

The fact that the position requires a Law Enforcement Commission is NOT sufficient evidence that their position is a primary Law Enforcement Officer position. The performance of the LAW ENFORCEMENT DUTIES meeting the above definition must be performed for a substantial amount of time and must be the primary purpose for the existence of the position.

Primary Duties: The “**primary duties**” of a position are those duties that: (a) are paramount in influence or weight; that is, constitute the basic reasons for the existence of the position; (b) occupy a substantial portion of the individual's working time over a typical work cycle ; and (c) are assigned on a regular and

recurring basis. PRIMARY DUTIES DO NOT INCLUDE duties of an emergency, incidental, or temporary nature, even if those duties occupy a substantial portion of the employee's time over a typical work cycle. In general, if an employee spends an average of a least 50% of his/her time performing a duty or group of duties, they are his/her primary duties.

In reviewing PD's to determine the primary duties, we look at the ENTIRE PD. For Law Enforcement Officer PD's, the requirement for possession of a law enforcement commission needs to be documented in the duty paragraph that describes the LEO duties performed (the National Park Service has stated that positions that do not require the possession of an NPS law enforcement commission will not be recommended for coverage as either primary or secondary positions). The primary purpose of the work of a position should be described in the Introduction section of the PD, and discussed under Factor 5, Scope and Effect. For law enforcement officer positions, we also look at the duties and at Personal Contacts, Factor 6, and Purpose of Contacts, Factor 7. If frequent contacts with criminals or criminal suspects are a part of the job, it should be identified in these factors. Factor 8, Physical Demands should contain information about the rigorous duties of the position and the physical hazards from frequent contacts with criminals and suspected criminals, and the physical fitness/qualification requirements of the position.

Generally, if a PD is amended to add firefighting or law enforcement officer duties, these additional duties, by definition of an amendment, DO NOT constitute the basic reasons for the existence of the position, and would not meet the definition of a primary position.

1. Primary/Rigorous Positions

1A. Impacts of Primary or Rigorous Covered Positions

- Maximum entry age (MEA) restriction applies to applicants for primary/rigorous firefighter and law enforcement officer positions which are subject to the retirement system (e.g., Permanent and Term Appointments):
 - firefighter and law enforcement positions-MEA is 37
- This will limit the applicant pool.
- higher costs
- special rate for LE at grades GS-3-10,
- higher retirement contributions for the agency
- 1/2% for CSRS; 13% for FERS
- higher retirement contributions for employee
- 1/2% for both CSRS & FERS

Primary positions perform rigorous firefighter and/or law enforcement duties for which physical fitness/qualification requirements exist, and the position description should state those requirements under Factor 8, Physical Demands. For example, if the position requires possession of a law enforcement commission, then the physical qualifications requirements for law enforcement duties must be contained in Factor 8 of the PD.

2. Secondary Positions

2A. Implications of Secondary Positions

For Secondary positions, applicants **MUST** possess the required specialized (LE or FF, as appropriate) experience equivalent to that received in a primary position. **This specialized experience equates to a selective factor.**

- Same contributions as primary **if** the incumbent is eligible for the retirement benefit.
- LE Pay applies, if the position is secondary and between GS-3 and GS-10.
- **Not** all employees in secondary positions are in the special retirement program-they **may** meet specialized experience requirements for the position, but **not meet** the eligibility requirements for the special retirement program (e.g., a CSRS employee has a break in service between primary position and secondary position; FERS employee has only 2 years service in primary position, when he/she moves to a secondary position, etc.).
Note: FERS employees do not have to have 3 years of primary experience to **qualify** for a secondary position. They do however (in addition to meeting other requirements) need 3 years of primary service to retain their **eligibility** for FF/LEO retirement coverage if they transfer to a secondary position.
- Employees in primary or secondary positions **AND** covered under the special retirement program are subject to **MANDATORY SEPARATION**-20 years covered/creditable service **and** age 57 for law enforcement officer and firefighter positions (remember, not all employees in secondary positions are eligible for special retirement-if that is the case, the employee is **NOT** subject to mandatory retirement)

2B. Sample Wording For Secondary Position Descriptions

(1) The introduction of the PD must state that prior law enforcement **or** firefighting experience (as appropriate), as gained by substantial service in a primary law enforcement or firefighter (as appropriate) position or equivalent experience outside the Federal government, is a **mandatory prerequisite/selective factor** of this position. For example, for a law enforcement position, the statement would be:

Prior law enforcement experience, gained by substantial service in a primary law enforcement position in the Federal government, or equivalent experience outside the Federal government, is a **mandatory prerequisite/selective factor** of this position. Candidates without this prior law enforcement experience do not qualify for this position.

Percentage of time spent in each major duty area must be documented in the PD for both primary and secondary positions and the duties must support this mandatory requirement/selective factor.

(2) The introduction should also state that the position functions as an administrative (executive, manager, technical, semi-professional, or professional) position in the law enforcement or firefighting program of the park, as appropriate.

(3) A duty statement in the position must describe the law enforcement or firefighting duties that require this prior experience/knowledge and the percentage of time spent performing that duty documented.

For LE PD's: The requirement for possession of a Type 1 Law Enforcement Commission must be contained in the duties section, along with the duties that require this commission; and the requirement that the incumbent must meet the physical qualification requirements for law enforcement positions. (To be covered under LE retirement, all primary and secondary law enforcement positions must possess a Type 1 LE commission and meet the physical qualification requirements to maintain that LE commission)

(4) The first Knowledge statement of the position description should describe knowledge of the techniques, policies, and practices of law enforcement or firefighting (depending on whether it is a law enforcement or firefighter position) as obtained through substantial service as a primary law enforcement officer or firefighter (as appropriate) of the Federal government or in a similar law enforcement or firefighting position outside the Federal government. This knowledge is a MANDATORY REQUIREMENT of the position. Also describe what duties this knowledge relates to.

(5) If the position performs some rigorous firefighter and/or law enforcement duties for which physical fitness/qualification requirements exist, then the position description should state those requirements under Factor 8, Physical Demands. For example, if the position requires possession of a law enforcement commission, then the physical qualifications requirements for law enforcement duties must be contained in Factor 8 of the PD. (REQUIRES physical qualifications be met, for all LE covered positions)

3. Use of Standard Position Descriptions

Many Standard Position Descriptions (SPD) have been developed to assist in filling their positions. To utilize these SPDs, use the original classified OF-8 and enter your position number in block 1 and your organization in block 18. The supervisor can sign in block 20 and the classifier can initial in block 23 to indicate current certification. File a copy of the approved OF-8, Certification of Approval, and SPD on the right side of the employee's OPF for verification of coverage. Do not submit another OF-8 signed by the classifier and/or supervisor at the time the position is filled.

Enter the SPD number (for example, NPS #9401 for the Park Ranger (P), GS-025-09) in the "Position Allocation Field" when processing in FPPS so the SPD number will print on every SF-50 after the individual's PD number for documentation of coverage. This will verify the employee has been placed in the covered SPD and submission to FLERT is not required. If this has not been done, submit the completed pre-approved OF-8 to us to record that your specific PD number has been assigned to a SPD.

Any PD submitted for a coverage determination at the grade levels for which a SPD exists, requires a justification signed by the supervisor stating the reason a SPD could not be used.

If a SPD is amended, e.g., statement of differences at the next lower grade; skill requirements; etc., the SPD amendment and the original SPD **must** be submitted to FLERT for review for coverage determination.

4. Submitting Position Descriptions for Coverage

All submittals must contain the following:

- A complete copy of the Position Description. Supervisory PDs classified in the supervisory format are recommended as they do not always include all the necessary information to determine coverage;
- a breakdown of the percentage of time spent in each major duty (to equal 100%);
- Classifier's evaluation statement (if available);
- Performance standards (if available);
- Organization chart indicating the location of the position;
- Functional statement, if not included in the Introduction of the PD; and
- Checklist for Determination of Special CSRS/FERS Coverage for LE or FF Positions (completed by personnel officer or specialist, see attached form).

4A. Documentation Required for Primary/ Rigorous Positions

- Primary/rigorous coverage will be considered for firefighter and criminal investigator positions.
- Department of Interior standard position descriptions are being implemented for firefighter positions, which are to be utilized whenever possible.
- PD must contain documentation that the duties are:
 - firefighting (as defined above) and that they are the primary duties of the position;
 - introduction of the PD should state the primary purpose of the position along with Factor 5, Scope and Effect; and
 - Factor 8, Physical Demands should contain information about the rigorous duties of the position and include the requirement to meet the physical fitness/qualifications for arduous positions.

4B. Documentation Required When Submitting Position Description for Secondary Coverage

PD - must contain evidence that the position meets the requirements for secondary positions (*i.e.* position clearly in the LE or FF field; in an organization having a LE or FF mission; and the appropriate prior experience requirement statement; and the suggested wording below for secondary PDs.

Do not include amendments or a supervisor's statement to document any of the requirements for a LE or FF position. the position description must be a complete document.

Please note: *The next lower grade level to a full performance level must also be approved for coverage.* If you amend a "covered PD" with a statement of differences (SOD) at the next lower grade level, you must submit the previously covered PD with the SOD to our office. We will obtain a coverage certification for both grade levels and return the PD and SOD with the appropriate notations. This ONLY applies to the next lower grade. **For grades beyond one level, a new PD must be submitted for a coverage determination.**

5. Submit Position Packages To:

After the PD is classified, submit one copy of the complete package to:

Department of the Interior
Office of the Secretary
Firefighter/Law Enforcement Officer Retirement Team (FLERT)
300 E. Mallard Drive, Suite 170
Boise, ID 83706-6648.

(Complete PD package (with transmittal letter) may be faxed to 208-334-1558). Please refer to the attached checklist. Incomplete packages may be returned without review.

6. After Position Description Coverage Has Been Determined

6A. Special Retirement Approval/Certification Process

After FLERT reviews the package and recommends coverage, it is sent to DOI for final coverage approval. Coverage is documented with a form "Certification of Approval for Special Retirement Coverage". For PD's that are not covered or denied coverage, a letter signed by the Secretary's Designee explaining the decision *is sent to the servicing personnel office with instructions for processing.*

When you receive the certification and PD with appropriate annotation on the OF-8 from the Firefighter and Law Enforcement Retirement Team, make copies of the PD (including the certification/letter) and distribute as follows: OPF, PD book, supervisor copy, employee copy, and position file copy.

6B. Covered Positions Descriptions

(1). Position is Vacant - After a position has been determined covered, if the position is vacant, recruit in accordance with staffing procedures appropriate to the coverage, e.g., if primary, then maximum entry age applies, etc.; if secondary-administrative, for firefighting position prior experience in a primary firefighter position, and for law enforcement positions prior experience in a primary law enforcement position is a MANDATORY REQUIREMENT/SELECTIVE FACTOR (see suggested statements for vacancy announcements in section 9).

(2). Position is Encumbered - PD's must have coverage determination **BEFORE** they are encumbered. Otherwise, you run the risk of having to remove them if they don't meet MEA (for primary positions). Check to see if incumbent is eligible for coverage (remember, for secondary coverage, position may be covered, but incumbent may not be eligible for retirement benefit) as follows:

(a) Primary position - Assure that the incumbent meets the maximum entry age requirements. IF NOT, contact the FLERT office for information on corrective action, which may include removal. If incumbent is already in appropriate retirement code, no processing action required, just document the Work History Form that should be on top of the right side of the OPF.

If the incumbent is not already in appropriate retirement code, personnel actions will need to be processed to correct retirement code back to the date the position was classified or the employee entered the position, as appropriate. See processing special retirement covered service information. You also need to check special pay eligibility. File PD on RIGHT side of OPF (it supports retirement benefit) as required by CSRS & FERS Handbook, Chapter 46, Section 46A3.2-1A. Section 46B3.2-1A.

(b) Secondary Position - If position is secondary, check to see **if** incumbent is eligible for coverage in a secondary position (check regulations - CSRS and FERS requirements are DIFFERENT). **REMEMBER, the PD may be covered as secondary, but an individual may not be eligible for special retirement.** May need to contact employee to determine if claim for prior service has been submitted/received. If a claim was submitted but no determination made, you may have to wait; if a claim was not submitted, he/she may not be eligible for coverage; **or** if the employee does not meet the transfer requirements, he/she may not be eligible for coverage. Please call FLERT with questions. In this instance, get "Statement of Understanding" (for individuals selected for secondary positions, but not eligible for coverage-form attached) signed by employee, put in OPF and FAX copy to FLERT, at 208-334-1558.

If the employee has submitted a claim, put the letter saying "although the position has been covered, we cannot determine your individual coverage until your claim is processed," with all copies of the PD.

If the incumbent is eligible for coverage but not currently in the correct retirement code, personnel actions will need to be processed to correct retirement code back to the date the position was classified or the employee entered the position, as appropriate.

6C. Not Covered or Denied Covered Position Descriptions

If a PD is returned as "Not Covered" or "Denied" coverage, and the PD is occupied, you must notify the current and former incumbent(s) of this fact and provide them information that they may file a claim for consideration of coverage as individual service in this position. This notification must be made within 30 days of receipt of the determination. Provide the incumbent(s) with the How to File a Claim form, and the Statement of Understanding to document that you have informed the employee.

7. Personnel Administration

Any time a personnel action is taken on a FF or LEO employee, the situation must be reviewed to determine whether the action affects their special retirement. Also record all position or appointment changes on the "Work History Summary" which should be filed on the top of the right side of the OPF. When the incumbent retires, this form can be submitted with retirement papers to document covered service history, along with any documentation in relation to individual claim.

8. Notifying Current and Former Employees of Individual Claim Procedures

All employees regardless whether they are in covered or non-covered positions should be given information on How to File a Claim for coverage. This includes:

- employees in positions that are not covered, but they believe the position should be; **or**
- current or former employees with prior firefighting or law enforcement service that hasn't been determined covered, but they believe it should be.

All new employees and current or former employees should be given the "Statement of Understanding" (For Individuals in Position that are NOT Covered, and ALL Current and Former DOI Employees with past FF/LE Service-attached) along with the How to Submit a Claim form. The Statement of Understanding should be signed by the individual and a copy given to the employee, a copy faxed to the

FLERT office at 208-334-1558, and the original filed in the employees OPF. This will document that the employee was informed of the filing procedures and deadlines.

9. Recruiting for Covered Positions

The following statements may be put on vacancy announcements/recruiting documents, for primary or secondary positions, as appropriate:

9A. Primary Positions

The following statements may be modified to meet the position and are suggested to be included on vacancy announcement for primary positions filled by permanent or TERM appointment (**Maximum Entry Age does not apply to temporary appointments**):

Applicants **NOT** currently in a special retirement position must **not** have reached their 37th birthday (for both firefighter and law enforcement positions) upon appointment to this position. Those over this maximum entry age **MAY** be eligible for reentry into a primary firefighter or law enforcement officer position **IF** there is prior Federal service, creditable toward retirement in **covered** law enforcement officer or firefighter positions, and the prior service is sufficient to permit retirement on, or before, the mandatory retirement age for these types of positions. **ONLY SERVICE CREDITABLE TOWARD SPECIAL RETIREMENT MEETS THIS DEFINITION (E.G., Temporary service in a covered position prior to 1989, etc.)**

Applicants over the MEA and not currently in a special retirement position, but who meet the above eligibility for reentry should complete the **following claim and** provide the necessary documentation to support their claim (e.g., copy of SF-50s documenting total prior service in the special retirement, etc.)

I claim prior Federal service in covered firefighter or law enforcement officer positions as follows:

<u>POSITION TITLE, SERIES, GRADE, LOCATION AGENCY</u>	<u>FROM & TO (DATE)</u>	<u>COVERAGE CLAIMING: PRIMARY OR SECONDARY (FF, LEO, OR BOTH)</u>
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NAME (PRINT)/SIGNATURE

DATE

DATE OF BIRTH

Statement on the Certificate of Candidates for Primary Positions

In these cases where the applicant is over the MEA, not currently in the special retirement system, but claim prior covered AND creditable special retirement service, sufficient to allow them to retire at the mandatory retirement age, you may put them on the certificate (provided they meet the other requirements) with an * next to their name and a note to the selecting official: * This applicant is TENTATIVELY eligible for consideration. If TENTATIVELY selected, prior to offer of position, we must verify whether this applicant meets the maximum entry age requirements of this primary/rigorous position.”

9B. Secondary Positions

The following is suggested wording to put in vacancy announcements/recruiting documents for secondary positions:

(Under General Notes Section)

This position is covered as a Secondary-Administrative Law Enforcement position (or firefighter position, as appropriate) under the special retirement program for firefighters and law enforcement officers.

PLEASE NOTE: Applicants may meet position qualification requirements, but not meet special retirement coverage eligibility. If such an applicant is selected, he/she will be placed in the regular

retirement code.

In Addition: For positions that management has certified that a MANDATORY REQUIREMENT exists (i.e., prior experience as a primary law enforcement officer position for secondary law enforcement position, or prior experience as a primary firefighter for secondary firefighter positions), the qualification requirements in the vacancy announcement should include this mandatory requirement/selective factor.

Example for a GS-9 secondary-administrative law enforcement position:

QUALIFICATION REQUIREMENTS:

GS-9: Law enforcement experience which included the following duties: investigating, apprehending, or detaining individuals suspected or convicted of offenses against criminal laws; or protecting officials against threats to personal safety (this is a MANDATORY SELECTIVE FACTOR);

Plus: either:

- 1 year of experience at the GS-7 level or equivalent that provided the applicant with the knowledges, skills and abilities to perform a variety of tasks involved with fee collection, fire management/control, emergency medical services, and visitor center operations; (these are the duties contained in the PD for this position);

OR

- 1 full academic year of graduate education which provided the knowledges, skills, and abilities to perform tasks involved with fee collection, fire management/control, emergency medical services or visitor center operations.

Statement on the Certificate of Candidates for Secondary Positions

We suggest a statement be put on the certificate of candidates for secondary positions: “Although this is a secondary position under the special retirement program, not all candidates will meet the requirements for coverage under this program. After a Tentative selection is made, please contact the personnel office to obtain information on the selectee’s eligibility for special retirement. If the selectee is not eligible for special retirement, a statement **MUST** be obtained from the selectee, prior to entrance on duty that they understand they do not meet the requirements for the special retirement program.” The “Statement of Understanding for Secondary Positions”, attached as page 11 to this document, may be used for this purpose.

If you have questions on selectee’s eligibility for FF/LE retirement coverage, please call FLERT for assistance.

DOI CHECKLIST FOR RECOMMENDATION OF SPECIAL CSRS/FERS COVERAGE FOR LAW ENFORCEMENT OR FIREFIGHTER POSITIONS

BUREAU: _____

POSITION DESCRIPTION NO: _____ SERIES AND GRADE: _____

CLASSIFICATION TITLE: _____

ORGANIZATION TITLE: _____

CHECKLIST

- | | YES | NO |
|--|-----|----|
| 1. Is this position already approved for either FERS or CSRS coverage? (Enter which coverage is approved.)
A. New position?
B. Replaces/redescribes a prior position?
If yes, show prior position number _____ & classification
date: _____ | | |
| 2. Does the position meet the definition of:
A. A Law Enforcement Officer: (See 5 CFR 831.901 and 842.801, definitions.)
B. A Firefighter: (See 5 CFR 831.901 and 842.801, definitions.) | | |
| 3. Is the position recommended for primary coverage, with duties of the position sufficiently rigorous that employment opportunities are required to be limited to young and physically vigorous individuals? (If no, go to item 4.)
A. Requirement for maximum entry age (37 for firefighters, 37 for law enforcement officers).
B. Physical qualifications determinations:
(1) Must maintain the arduous physical fitness level for firefighters, or
(2) Must maintain special physical fitness level for law enforcement officers, or
(3) For pilots, specific FAA physical qualifications. | | |
| OR 4. Is the position recommended for secondary coverage, clearly in the law enforcement or firefighting field, and in an organization having a law enforcement or firefighting mission, and is either:
(1) Supervisory: primary duties (over 51% of major duties) are as a first-level supervisor of law enforcement officers or firefighters in rigorous positions for which experience as gained by substantial service in a primary law enforcement position in the Federal government or equivalent experience outside the Federal government is a MANDATORY PREREQUISITE;
<div style="text-align: center;">OR</div>
(2) Administrative: executive, managerial, technical, semiprofessional, or professional position for which experience as gained by substantial service in a primary law enforcement position in the Federal government or equivalent experience outside the Federal government is a MANDATORY PREREQUISITE | | |
| 5. Are the major duties of position used for coverage recommendation meet the regulations; i.e. they are
a) paramount in influence or weight; b) occupy substantial portion of incumbents' work time; and c) are assigned on a regular and recurring basis? | | |

6. **Bureau Recommendation for special retirement coverage:** CSRS: Primary _____ Secondary _____ FERS: Primary/Rigorous _____ Secondary _____

I certify this position (as described in the position description and attachments) meets all of the above conditions necessary for coverage as a law enforcement or firefighter position under the CSRS and/or FERS retirement systems as recommended.

Signature of Classifier or Authorized Official: _____ Date: _____

Title: _____

Current as of June 28, 2005

CHECKLIST OF DOCUMENTATION SUBMITTED FOR SPECIAL CSRS/FERS COVERAGE FOR LAW ENFORCEMENT OR FIREFIGHTER POSITIONS

CHECK	DOCUMENTATION
	1. Official position description:
	A. Primary Position: must show that special physical qualifications are necessary.
	B. Secondary Position: (1) Supervisory - must show that primary duties (over 51%) are as a first-level supervisor of law enforcement officers or firefighters in rigorous positions; OR (2) Administrative - must establish that experience in a rigorous law enforcement or firefighting position, or equivalent experience outside the Federal Government, is a mandatory prerequisite.
	2. Functional statement (may be part of the Introduction).
	3. Organization chart which includes current PD being submitted for coverage.
	4. If applicable, a list of the provisions and park jurisdiction of the Federal criminal law incumbent is responsible for enforcing.
	5. Current performance standard. (Optional)
	6. Classification evaluation statement. (Optional)

FOR ALL POSITIONS:

Attach the "Checklist for Determination of Special CSRS/FERS Coverage for Law Enforcement or Firefighter Positions", and documents checked above.

NOTE ON INDIVIDUAL COVERAGE - If not in a covered position, individuals must file a claim for coverage with the appropriate Bureau:

CSRS - a request for creditable service **every calendar year while occupying a non-covered position** or after any significant change in **title, series, grade, major duties, or position number/classification**

FERS - within 6 months after entering a non-covered position, or after any significant change in **title, series, grade, major duties, or position number/classification**

Current as of June 28, 2005

Statement of Understanding
(for Individuals in Positions that are NOT covered, and
All Current and Former Employees with past FF/LEO Service)

I understand that **IF** I am in a position description that is **NOT** covered by special retirement and I feel it should be under 5 U.S.C. § 8336(c) or 5 U.S.C. § 8412(d) (commonly referred to in the Department of the Interior (DOI) as a 6c position), I can file a claim for my current position/past service with DOI.

I also understand that time limits apply to a claim for current position coverage AND claims for past service. Procedures for filing claims may be obtained from the Human Resource Office or the Firefighter and Law Enforcement Retirement Team (address below).

CSRS INDIVIDUALS

For individuals in the Civil Service Retirement System (5 U.S.C. § 8336(c)), coverage in a position or credit for past service will not be granted for a period greater than **1 year prior** to the date the individual claim is received by the Firefighter and Law Enforcement Officer Retirement Team (address below).

If service is prior to the 1 year limitation, the agency head may extend this time limit for filing when, in the judgment of such agency head, or OPM, documentation is provided that the employee was prevented by circumstances beyond his/her control from making the request within the time limit. If the employee meets this criteria, he/she must submit a letter to the Firefighter and Law Enforcement Officer Retirement Team **WITHIN 35 CALENDAR DAYS OF THE DATE OF THIS STATEMENT**, stating his/her intent to file a claim and include in the letter an explanation of why he/she did not meet the time limit.

FERS INDIVIDUALS

Individuals in the Federal Employee Retirement System (5 USC § 8412(d)), who are in a position that is not subject to the 1/2% higher withholding, but feel the position should be, must formally initiate a position coverage claim in writing and seek a determination from the agency head **WITHIN 6 MONTHS** of entering the position.

For service in prior positions, the agency head may extend this time limit when the individual provides sufficient evidence that he/she was unaware of his/her status or was prevented by cause beyond his/her control from requesting a determination of position coverage. If the individual meets this criteria, he/she must submit a letter to the Firefighter and Law Enforcement Officer Retirement Team **WITHIN 35 CALENDAR DAYS OF THE DATE OF THIS STATEMENT**, stating his/her intent to file a claim for prior position coverage and include in this letter an explanation of why he/she did not meet the time limit.

Individual's Name as shown on the SF-50 (Typed or printed)

Individual's Signature

Date

This original statement must be filed in the employee's OPF, a copy given to the employee, and a copy mailed or faxed to the Firefighter & Law Enforcement Officer Retirement Team:

Department of the Interior
Office of the Secretary
Firefighter & Law Enforcement Officer Retirement Team
300 E. Mallard Drive, Suite 170
Boise, ID 83706-6648
Telephone: (208) 334-1556; FAX: (208) 334-1558

Current as of June 28, 2005